App. F. IX-4

1928-29 (Law)

File No. 123-28

Previous References
Mung 367-26, 1-4

Serial Nos. 1-2

Later References
Law 50-30-1-9

General and Revenue Secretariat.

Serial Nos. Two.

Part B for June 1928

SUBJECT

Notice by Mr. S. Narasimha Rao, Taluk Amildar, Palakonda regarding inclusion of S. no. 14 of Arjunahalli belonging to Sree Mallikarjuna Swami Temple

---

2. To the Mung Law.
NOP. 7613 of 24.6.28
Intimating that in question may be raised when the suit is actually filed.

18/25/6/28

D. nos. 1775 & 1769

Notice dt 16 May 1924 from Mr G Venkata Rao, Pleader on behalf of Mr S. Narasimha Rao of the Palace, Mysore, intimating that in 2 months after the receipt of the notice, S. No 14 of Anjanahalli Yedatore Taluk ordered to be taken up for the benefit of Sri Malleswara Devara temple at the place, be not restored to the client, The latter will take legal steps against him in a Court of Law. Secty's order — Refs. very early.

Muz. D. No. 367-26 on the subject cited Sub-mtr. Attention is respectfully invited to L.R's opinion dt 16.6.26 (2) in the matter which was conveyed to M.C. in this office Letter No 2462/Muz. 367-26 dt 25-6-1926.

May be sent to Bol. B.

The filing of the threatened suit may be awaited

Sub-mtr.

24.8.26

26/8

The land in question was originally granted as an inam to Mallesvara swami at Kanyanahalli during the Survey & Settlement in 1879-80. The devadaya grant was declared invalid & the land fully assessed, without prejudice to its forfeiture by the temple. The Khata was made out in the name of the Pujari in conformity with Proceedings No: 5703-10-1013 dated 7th Jan 1881. In 1904 the Pujari hypothecated the property for his debt. The Khata of the land was changed to that of the Deity in 1908-09 in pursuance of the Bandi officer's order. The mortgagee however brought a suit on the hypothecation without making the temple or even a party and got possn through Civil Court on 31-3-1913. He sold the Kanivayam site and subsequently on 14-12-1917 sold it by him to Mr S. Narayana Rao, (on whose behalf the present notice is issued.)

In the beginning of 1919 even before possn of the land & stock by on lease by public auction on 7.7-1919. It is since then that actual possn of govt on behalf of temple

The previous A.R. in his note dated 25.4.28 (Flag A) opined that the long & uninterrupted possn extending over 12 years constitute an indefeasible title by the temple & the possn may not be disturbed back until adjudication of title by Court. His further opinion on the validity of the hypothecation created by the Pujari (Flag B).

Under the circumstances the
Treasurer ~~Suit~~ suit may be awarded & no
notice to the notice is necessary.

If approved, these papers will be
filed, after perusal by the Hon Secty.

(L.R.)

may kindly be sent to the Hon Sec for
perusal and return.

To the Musrai Br

may be returned to Book. Br

Letter No 2036 dated 8/12
from R. C. requesting Government
to engage the services of Mr. Iyer to
the ~~Suit~~ Threatened Suit —

Perhaps, this question may be
considered after the suit is actually
filed and summons in the ordinary course
is served on the Government

Draft reply submitted

21.6.19

21/6

Muz 408-28-1

GEN. & REV. SECRETARIAT
18 MAY 1929
MUZRAI
D. 1769
Muz 408-28-1

The Office of G.Venkata Rau, B.A., L.LB.,
Pleader, M y s o r e.

To

The Chief Secretary to the Government of Mysore,
B a n g a l o r e.

Regd post

Mysore Dr 18/5/29.

NOTICE. See Secret.

Sir,

Under instructions from my client, Mr. S. Narasinga Rao, Clerk, Ambavilas, Palace, Mysore, I am notifying to you as follows:-

That my client is the owner of the land bearing survey No. 14 of Arjunahalli, Yedatore Taluk. That the Government (Muzarai Authorities) have been unnecessarily keeping my client out of the said land alleging that the Government has been in possession of the same as a trustee on behalf of Sri Malleshwaradevaru Temply at Arjunahalli. That the said diety has no manner of right to the land in question can be clearly seen from a perusal of the records (Vide R.Dis No. 95/25-26 Muzarai on the file of the Deputy Commissioner's Court, -- Mysore District). That you will therefore cause the land and the produce from it from 1919 till today to be handed over to my client or at least cause a reference to be made to the District Judge of -- Mysore for a proper and final adjudication of the title to the land in dispute.

That in case of default of either of these things being done, ~~within~~ two months ~~from~~ after the receipt of this letter, by your Govt ~~please take~~ -- ~~notice that~~ my client will take the necessary legal steps against the Government in a proper Court of Law and the Government will be held responsible for all the costs of my client which may amount to hundreds of rupees together with the sum of Rs. 10/- being the cost of this notice.

I am,

Yours faithfully,

G. Venkata Rau

PLEADER.

FINANCIAL SECTION
18 MAY 1929
No. 2301

The Office of G.Venkata Rau, B.A., L.LB.,
Pleader, M y s o r e.

GEN. & REV. SECRETARIAT
20 MAY 1929
MUZRAI
D. 1775

To

The Secretary to the Government of Mysore,
B a n g a l o r e.

NOTICE.

Sir,

Under instructions from my client, Mr. B. Narasinga Rao, Clerk, Ambavilas, Palace, Mysore, I am notifying to you as follows

That my client is the owner of the land bearing survey No. 14 of Arjunahalli, Yedatore Taluk. That the Government (Muzarai Authorities) have been unnecessarily keeping my client out of the said land alleging that the Government has been in possession of the same as a trustee on behalf of Sri Malleshwaradevaru Temple at Arjunahalli That the said diety has no manner of right to the land in question can be clearly seen from a perusal of the records (Vide R.Dis No. 95/25-26 Muzarai on the file of the Deputy Commissioner's Court, -- Mysore District). That you will therefore cause the land and the produce from it from 1919 till today to be handed over to my client or at least cause a reference to be made to the District Judge of -- Mysore for a proper and final adjudication of the title to the land in dispute.

That in case of default of either of these things being done ~~within~~ two months after the receipt of this letter, ~~please take notice that~~ my client will take the necessary legal steps against the Government in a proper Court of Law and the Government will be held responsible for all the costs of my client which may amount to hundreds of rupees together with the sum of Rs. 10/- being the cost of this notice.

I am,

Yours faithfully,

G. Venkata Rau

PLEADER

Mrs. D. Contains the
notice issued by Mr. G. Mukherji
in Arjunahalli case, was
transfd. to Bor. Br. on 13/6/29.

Mrs may be sent in
Contn. to that Br.

14/6/29

14/6/29

Postn Forwarded

5436
P

FROM

G. D'Souza, Esq., B.A.,

The Muzrai Commissioner in Mysore.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

Financial Department.

SIR,

Referring to correspondence ending with your Memo No.1258/Muz. dated 29-12-1928 in the matter of S. No.14 of Arjunahalli in the Yedatore Taluk belonging to Sri Malleswaraswami Temple at the place, have the honor to forward herewith copy of letter No.H.1003/28 dated 28-5-1929 together with its enclosure received from the Deputy Commissioner, Mysore District, and to request sanction of Government to engage the services of the Public Prosecutor to defend the suit on behalf of Government when it is actually filed, the charges incurred being debited to the funds of the institution.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter from the Office of G. Venkata Rao, Esq., B.A., LL.B., Pleader, Mysore, to the Deputy Commissioner Mysore District.

Under instructions from my client Mr. S. Narasinga Rao, Clerk, Ambavilas, Palace, Mysore, I am notifying to you as follows:-

That my client is the owner of the land bearing survey No.14 of Arjunhalli Village, Yedatore Taluk, That the Government (Muzrai Authorities) have been unnecessarily keeping my client out of the said land alleging that the Government has been in possession of the same as a Trustee on behalf of Sri Malleswara Devaru Temple. That the said Deity has no manner of right to the land in question can be clearly seen from a perusal of the records (Vide R.Dis.No.95-25-26. Muzrai). That you will therefore direct that the land and the produce from 1919 till to-day may be handed over to my client or at least make a reference to the District Judge of Mysore for a proper adjudication of the title to the land in dispute.

That in case of default to do either, two months after the receipt of this notice by you, legal steps will be taken against you in your capacity as Muzrai Officer in a proper Court of Law and you will be held responsible for all the costs of my client which may come to hundreds of rupees together with the sum of R. 10/4 being the cost of this notice.

"Copy"

For Muzrai Commissioner.

Letter No.H.1003/28 dated 28th May 1929 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

Sri Malleswara Devaru Temple land - Arjunahalli - Yedatore Taluk - notice of suit by S. Narasinga Rao.

With reference to para 3 of your letter No.525/26-27 dated 5-7-28 directing to take possession of the land S.No.14 of Arjunahalli, Yedatore Taluk, endowed to the Sri Malleswara Devaru Temple at the place and to lease it for five years in open auction, I have the honor to state that necessary orders were issued to the Sub Division Officer, Mysore, in the matter.

2. The party S. Narasinga Rao, Clerk, Ambavilas, Palace, Mysore who claims ownership of the land having petitioned Government, in the matter of restoration of the land to him, instructions were conveyed in your Memo No.R.Dis.97 of 28-29 dated nil for issue of an endorsement to the petitioner in terms of your letter of 5-7-28 referred to above. Accordingly an endorsement was issued to S. Narasinga Rao in this office No.D.H.604/28 dated 28-1-29 to the effect that he might take such legal steps, if necessary, as he may choose.

3. I have received a notice from S. Narasinga Rao, through his counsel Mr. G. Venkata Rao, Pleader, Mysore, stating that the land together with its produce from 1919 till now may be handed over to him, or at least a reference may be made to the court of the District Judge, Mysore, and that in case of default to do either, he will take legal steps against the Muzrai Officer in a proper Court of Law after a period of two months from the dat of receipt of the notice. A copy of the notice is enclosed for perusal.

4. I request that sanction of Government may kindly be obtained for engaging the services of the Public Prosecutor, Mysore, to defend the suit on behalf of Government when it is actually filed.

"Copy"

For Muzrai Commissioner.

SUBJECT.....

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Diary No. of letter replied to.....

Section law

File No. 123-28

Serial No. 2

No. 7613

General and Revenue Secretariat

( )

the *192*

To

The Mun. Comr in mysore

Date of issue 24/6/29

Signed by Mr Rao

Sir,

With reference to your letter no: 2034 dated 8/12th June 1929 addressed to the Financial Secretary to Govt requesting sanction to engage the services of the Public Prosecutor to defend the threatened suit in the matter of S. no: 14 of Agrahara Kalli belonging to Sri Malleswara Swami Temple, I am directed to state that necessary

st of enclosures.....

Copied by.....

Examined by.....

over

action has to be taken
when the suit is actually
filed and the summons is
served on Government.

I have etc

P. M

Legal agent

Law Dept

DDP
11-6-29